

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PELLENC, Roger

SERIAL NO.: 10/500,650

ART UNIT: 3671

FILED: July 1, 2004

EXAMINER: Kovacs, A.F.

TITLE: LEAF STRIPPER, MORE PARTICULARLY DESIGNED FOR SELECTIVE VINE
LEAF STRIPPING

Supplemental AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of January 13, 2006, a response being due by April 13, 2006, this supplemental amendment being submitted with a one-month extension of time being due by May 13, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Applicant was informed by the Examiner on April 26, 2006 that Page 5 of the claims in the Amendment "A" of April 13, 2006 was not received due to a clerical error. Applicant now submits the complete set of claims and all five pages of the claims in the present Supplemental Amendment "A". Because such claims are being presented after the shortened statutory deadline, such that a fee for a one-month extension of time fee is due and enclosed herewith.

Upon entry of the present amendments, previous Claims 1 - 29 have been canceled and new Claims 30 - 58 substituted therefor. Reconsideration of the rejections, in light of the forgoing

amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and for the purpose of placing the application into a better condition for allowance.

In the Office Action, it was indicated that Claims 1 - 29 were rejected under 35 U.S.C. § 102(b) as anticipated by the Lundhal patent. Claims 1 - 29 were also extensively rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 20 and 21 were also objected to because of minor informalities.

As an overview to the present reply, Applicant has extensively amended the language of original Claims 1 - 29 in the form of new Claims 30 - 58, respectively. These new claims are expressed in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein.

Relative to the rejection of the previous claims based upon the Lundhal patent, Applicant respectfully contends that the Lundhal patent is from a very different field of art than that of the present invention. The crop harvester of Lundhal patent and the leaf stripper of the present invention are entirely different machines designed to perform different types of work. In particular, the Lundhal patent describes a crop harvester for harvesting standing crops growing in the field and having a head at the top of the stack. The present invention concerns a leaf stripper designed for selective vine leaf stripping. The present invention makes it possible to remove a certain quantity of useless leaves from plants grown in parallel lines, such as vines. This serves to improve the quality of the future crop (as described in the "Background" portion of the original specification).

The Lundhal patent simply concerns a crop machine that is designed to shell the head of plants that have heads, such as wheat heads. The Lundhal patent does not describe a leaf stripping machine, but rather a crop harvester. The machine of the Lundhal patent is quite obviously incapable of stripping vine leaves. The goals of leaf stripping in the present application and wheat harvesting in the Lundhal patent have almost nothing in common. As such, Applicant respectfully disagrees with the Examiner's analysis with respect to the anticipation by the Lundhal patent.

Relative to the particular structures, the Lundhal machine does not have "at least one leaf stripping head" but a head harvester comprising two stripping elements. The stripping head in the Lundhal patent does not describe a open cylindrical side wall to the rotating drum, but rather two horizontal rotary cylinders (23, 34) equipped with helical stripping teeth (232, 233). The rotary drum 25 in Lundhal patent is not equipped with the head stripping action. The head stripping action is, in fact, actually performed by the pair of horizontal rotary elements (23, 24) with helical teeth (232, 233). The rotary drum 25 in Lundhal patent is thus not the stripping element of the machine and is not the rotating drum of the present invention. The rotary drum 25 in the Lundhal device is placed at a distance from the stripping elements (23, 24) of that machine. This rotary drum never comes in contact with the crops to be harvested. The rotary drum 25 in Lundhal device is designed to help in the suction and upward removal of foreign matter (straw and others) pulled by the stripping elements (23, 24) and discarded by such stripping elements, together with the wheat heads, into the collecting chamber 37. The Lundhal patent does not disclose the cutting means of the present invention, but rather an upper stripping element 23 and lower stripping element 24 that do not work through a cutting action but through a stripping action. The upper and lower stripping elements (23, 24) are not placed close to the suction drum. The stripping elements 23 and 24 are actually placed at a


distance from the drum. The walls of the drum 25 are not formed of a flexible and deformable material. Additionally, and furthermore, the walls of the drum in the Lundhal patent are not a "flexible and deformable material". It appears that the Lundhal patent utilizes a sieve implemented in the machine and is formed of a grid or rigid screen. In other words, the walls of the drum of the Lundhal patent are actually non-flexible and non-deformable. On this basis, Applicant respectfully contends that the Lundhal patent does not show or suggest the structure of the present invention as defined by independent Claim 30. Additionally, and furthermore, the present invention, as defined by independent Claim 30, cannot be anticipated by the Lundhal patent.

Based upon the foregoing analysis, Applicant contends that independent Claim 30 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 30 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

4.27.06
Date

Customer No. 24106



John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax